



U.S. POSTAL REGULATORY COMMISSION  
Washington, DC 20268-0001

Office of the Secretary

November 16, 2012

Congressman Henry A. Waxman  
8436 West Third Street, Suite 600  
Los Angeles, CA 90048-4183

Re: Appeal of the Postal Service's Determination to Close the Santa Monica Post Office, Santa Monica, California, Docket No. A2013-1

Dear Congressman Waxman:

Enclosed please find a Response of the United States Postal Service to Request of the City of Santa Monica to Intervene and Participate in the Appeal of Congressman Waxman.

Sincerely,



Shoshana M. Grove  
Secretary

Enclosure

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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*In the Matter of:*

Santa Monica Post Office  
Santa Monica, California 90401  
(Congressman Henry A.  
Waxman, Petitioner)

Docket No. A2013-1

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**RESPONSE OF UNITED STATES POSTAL SERVICE  
TO REQUEST OF THE CITY OF SANTA MONICA TO INTERVENE AND  
PARTICIPATE IN THE APPEAL OF CONGRESSMAN WAXMAN**  
(November 15, 2012)

On November 6, 2012, the City of Santa Monica ("City") filed a request to intervene and participate in the appeal of the relocation of the Santa Monica Post Office.<sup>1</sup> In that pleading, the City states: "[d]espite the USPS's characterization of the Decision as a 'relocation,' in its efforts to avoid the statutory mandates of 39 U.S.C. § 404(d), the Decision clearly results in closure or consolidation of the 5th Street Post Office."<sup>2</sup> Pursuant to Rule 3001.20 of the Commission's Rules of Practice and Procedure, the Postal Service submits that the City's notice of intervention is unnecessary as there is no controversy before the Commission over which it has jurisdiction. Nevertheless, the Postal Service offers the following observations in connection with the City's argument.

Under Postal Service regulations, a "discontinuance" is defined as either a "closure or consolidation." 39 C.F.R § 241.3 (a)(2)(v). Neither has occurred here. A closing constitutes "[a]n action in which Post Office operations are permanently

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<sup>1</sup> Request of the City of Santa Monica to Intervene and Participate in Appeal of Congressman Waxman, PRC Docket NO.A2013-1, November 6, 2012.

<sup>2</sup> *Id.* at 2.

discontinued without providing a replacement facility in the community.” 39 C.F.R §

241.3 (a)(2)(iii). A “consolidation” is defined as:

An action that converts a Postal Service-operated retail facility into a contractor-operated retail facility. The resulting contractor-operated retail facility reports to a Postal Service-operated retail facility.

39 C.F.R § 241.3 (a)(2)(iv).

As discussed more thoroughly in the Postal Service’s Motion to Dismiss<sup>3</sup> filed on October 19, 2012, the underlying controversy in this proceeding does not involve a discontinuance. Specifically, the Postal Service has not decided to permanently discontinue the operations of the Santa Monica Post Office without providing a replacement facility in the community. Instead, the Santa Monica Post Office will continue to operate at a new location. Once retail and Post Office Box services are relocated or transferred to the Carrier Annex, the Annex will be renamed the “Santa Monica Post Office” and remain under the operation of the Postal Service. Thus, customers will maintain access to the same number of outlets providing retail and Post Office Box services that they have today and the Santa Monica Post Office will retain its status as a Post Office. Furthermore, the Post Office will continue to be operated by Postal Service employees with a career Postal Service employee as the installation head, currently an Officer-In-Charge (OIC).<sup>4</sup>

The Postal Service also has not expressed any intention to “consolidate” the Santa Monica Post Office by converting it into a contractor-operated retail facility.

Under 39 C.F.R. 241.3 (a)(2)(ii), a “contractor-operated retail facility” includes “any

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<sup>3</sup> Motion of United States Postal Service to Dismiss Proceedings, PRC Docket No.A2013-1, October 19, 2012.

<sup>4</sup> Additionally, the Post Office will not be required to report to any other USPS-operated retail facility as a result of the relocation; instead, it will continue to report to the district office.

station, branch, community post office, or other facility, including a private business, offering retail postal services that is operated by a contractor, and does not include any USPS-operated retail facility.” The Santa Monica Post Office will not become a contractor-operated facility once its operations are relocated to the Carrier Annex. The facility will remain a USPS-operated retail facility and will be renamed the “Santa Monica Post Office.”

Thus, the decision of the Postal Service to relocate services from the 5<sup>th</sup> Street location to the 7<sup>th</sup> Street Carrier Annex, which is less than a mile away, is not a closing or a consolidation as the City of Santa Monica alleges. Consequently, the policies and procedures set forth in 39 C.F.R. § 241.3 do not apply.

For the reasons stated in its Motion to Dismiss and in this notice, the Postal Service maintains its position that the proposed action constitutes a relocation under 39 C.F.R. §241.4 and that it has adhered to these regulations in implementing this action.

The Postal Service respectfully renews its request that the Postal Regulatory Commission dismiss this appeal for lack of jurisdiction.<sup>5</sup>

Respectfully submitted,

UNITED STATES POSTAL SERVICE  
By its attorneys:

Anthony F. Alverno  
Chief Counsel, Global Business &  
Service Development

Adriene M. Davis

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<sup>5</sup> *Id.*

475 L'Enfant Plaza, S.W.  
Washington, D.C. 20260-1160  
(202) 268-6306; Fax -5329  
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